4.4 LAND USE AND PLANNING

This section describes the existing onsite and surrounding land uses and evaluates the project's potential effect on existing land uses. As a state agency, CDC must consider any federal or state land use policies. However, CDC is exempt from local plans, policies, and regulations. Nevertheless, CDC has provided a discussion of relevant local plans and policies because conflicts with local plans and policies could potentially result in environmental impacts. The discussion does not imply that CDC would be subject to local plans or regulations, either directly or through the CEQA process.

As described in Chapter 4.0, where appropriate and relevant, the analysis in this section identifies the differences in impacts that would be anticipated to occur with implementation of the project under 4 conditions: budgeted inmate capacity, maximum design inmate capacity, single level design option, and stacked design option, In the case of land use, the single level and stacked design option could result in varying degrees of visual impacts that could conflict with plans and policies of relevant regulatory agencies. Therefore, for relevant impacts, this section describes the differences between the design options. The number of inmates housed at SQSP would have no bearing on this issue and is not considered in this analysis.

4.4.1 EXISTING CONDITIONS

REGIONAL SETTING

The project site is located in southern Marin County, California. Marin County is linked to San Francisco by the Golden Gate Bridge and to the East Bay by the Richmond-San Rafael Bridge. It is bordered on the north and northeast by Sonoma County and on the west by the Pacific Ocean. Marin County offers a wide variety of topography and vegetation including tidal flats, hillsides (i.e., San Quentin Ridgeline and Mt. Tamalpais), dense stands of redwood and pine, inland grasslands, and exposed rocky areas. The cities of Larkspur and San Rafael and the community of San Quentin Village are located adjacent to SQSP. Land use and planning policies from these jurisdictions, Marin County, from regional and state agencies, were considered in this analysis.

The urban areas of Marin County are concentrated in the eastern portion of the county near San Francisco Bay and are characterized by residential uses, intermixed with commercial and industrial uses. Much of the coastal corridor in the western portion of the county has been acquired by public agencies for recreational uses and scenic reserves. The belt of inland valley and upland meadows in the central portion of the county is used for agricultural, open space, and recreational purposes.

The project site lies in Marin County's eastern urban corridor. This corridor contains most of the County's population as well as over 97% (23 million square feet) of the County's commercial and industrial floor area. U.S. Highway 101 is the major link that connects the communities in the eastern urban corridor to other areas in the county.

Onsite and Surrounding Land Uses

• The project site is located on approximately 40 acres at the southern edge of San Quentin Peninsula, on the grounds of the existing SQSP. The site is bordered by Sir Francis Drake Boulevard and existing employee residences on the north, the San Francisco Bay on the west and south, and existing SQSP prison facilities on the east (Exhibit 4.4-1). A medium security facility, known as "H" Unit, is the closest SQSP facility located adjacent and east of the project site. Facilities located on the project site include a minimum security inmate complex (the Ranch), an



Source: EDAW 2004

Onsite and Surrounding Land Uses





abandoned wastewater treatment facility and detergent plant, a scrap metal and recycling area, maintenance and storage areas, work shops, a parking lot, and 57 employee residences.

SQSP is separated from most surrounding land uses by San Francisco Bay on the south and the prominent undeveloped (i.e., open space) ridgeline of San Quentin Ridgeline on the north. San Quentin Village, a small residential community with approximately 40 residences, is located immediately northeast of the prison's east gate. The project site is separated from this residential area by intervening topography and the existing main prison facilities including a wall. San Quentin Village is the closest offsite residential community to the project site.

To the west of the project site, shoreline areas in the City of Larkspur are designated either as shoreline/marsh conservation or parkland. The City of Larkspur's shoreline in the project vicinity is approximately ½ mile long, from the Larkspur Landing pedestrian bridge to the eastern end of Remillard Park. Remillard Park is a 7-acre area of fresh water marsh, wildlife sanctuary, picnic areas, and beaches located approximately ½ mile east of the project site. The park and the bay frontage between Remillard Park and SOSP are frequently used by local windsurfers.

Other land uses within 1 mile of the project site include industrial uses along Interstate 580 and Anderson Boulevard, the Central Marin Sanitation Agency (CMSA) wastewater treatment plant, the Larkspur Landing Commercial Center, the Larkspur Ferry Terminal, and the Corte Madera Ecological Preserve (Exhibit 4.4-1).

4.4.2 REGULATORY SETTING

State of California

San Francisco Bay Plan San Francisco Bay Conservation and Development Commission (BCDC)

Development in San Francisco Bay tidal areas (up to the line of highest tidal action) and the Bay shoreline 100 feet landward and parallel to the line of highest tidal action (shoreline band jurisdiction) is subject to the jurisdiction of BCDC (a state agency under the jurisdiction of the California Resources Agency). The goals and policies of BCDC are established in the San Francisco Bay Plan (Bay Plan), which guides future protection and use of San Francisco Bay and its shoreline. The Bay Plan was completed pursuant to the McAteer-Petris Act of 1965 and adopted by BCDC in 1968. In 1969, the California Legislature designated BCDC as the agency responsible for maintaining and carrying out the provisions of the Bay Plan.

The Bay Plan provides policies and guidelines for the bay, shoreline, and bayfront development. Although there are no specific policies regarding SQSP (or institutional uses in general), some proposed facilities (e.g., outer perimeter roadway and electrified fence) would be located within the 100-foot shoreline band. The following Bay Plan policies would be applicable to the project:

• Uses of the Shoreline. All desirable, high-priority uses of the Bay and shoreline can be fully accommodated without substantial Bay filling, and without loss of large natural resource areas. But shoreline areas suitable for priority uses – ports, water-related industry, airports, wildlife refuges, and water-related industry – exist only in limited amount and should be reserved for these purposes (Major Conclusions and Policies, Policy 3).

In addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the water front and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline,

whether it be for housing, industry, port, airport, public facility, or other use, except in cases where public access is clearly inconsistent with the project because of public safety considerations or significant use conflicts. In these cases, access at other locations preferably near the project, should be provided whenever feasible (Public Access, Policy 1).

• Structures and facilities that do not take advantage of or visually complement the bay should be located and designed so as not to impact visually on the bay and shoreline. In particular, parking areas should be located away from the shoreline. However, some small parking areas for fishing access and bay viewing may be allowed in exposed locations (Appearance, Design, and Scenic Views, Policy 4).

The project site is not located in an area designated in the San Francisco Bay Plan for priority use and the majority of the project site is located outside of BCDC's 100-foot shoreline band jurisdiction. However, a portion of the outer perimeter road and electrified fence, a guard tower, and a temporary construction staging area would be located within BCDC's 100-foot shoreline band. Public access to the site, and all of SQSP, has been restricted in conformance with the Bay Plan, because of obvious public safety considerations. The area adjacent to the prison to the west is heavily used by wind surfers. During favorable weather conditions, wind surfers park vehicles along Sir Frances Drake Boulevard near the SQSP west gate.

Local Government Land Use Planning

The State of California requires each city and county to prepare a general plan to guide all physical planning in their jurisdiction. General plans contain maps, descriptions of existing and long-term goals for orderly growth and development, and policies and implementation programs to meet stated goals. Local general plan policies and zoning ordinances, as they relate to the project site, are summarized below. The proposed CIC would be under the jurisdiction of CDC (a state agency). State agencies are exempt (as established by Hall vs. City of Taft (1952) 47 Cal.2d 177.) from complying with local or county plans, policies, or zoning regulations. Nevertheless, conflicts with nearby land uses that could be developed consistent with the plans could result in potentially significant environmental impacts. For these reasons, CDC considers local land use policies and regulations when making land use planning decisions

Marin Countywide Plan (County of Marin)

The project site is located in the unincorporated area of Marin County. Land uses in unincorporated areas of Marin County are guided by the Marin Countywide Plan (Marin County 1994). The Countywide Plan separates the County into three corridors: the Inland Corridor, the Coastal Corridor, and the City-Centered Corridor. The City-Centered Corridor is divided into six planning areas. The project site is located in the Lower Ross Valley Planning Area of the City-Centered Corridor.

The project site is zoned A-2:B-2 by the Marin Countywide Plan, which corresponds to light agricultural use. Institutional uses are not specifically listed as an allowed use in this zone; however, the State is exempt from local zoning and land use regulations and have used SQSP for prison uses since the 1850s.

The Marin Countywide Plan does not contain any land use policies specifically related to SQSP nor to institutional uses in general. However, the project is located in an area designated in the Countywide Plan as the Bayfront Conservation Zone, for which policies have been adopted by Marin County. Land use policies applicable to development in the Bayfront Conservation Zone include the following:

- The County shall review all proposed development within the Bayfront Conservation Zone in accordance with the planned district review procedure to ensure maximum possible habitat protection. An assessment of existing environmental conditions (biologic, geologic, hazard, and aesthetic) shall be required before submittal of development plans (Policy C-1.9).
- The County shall facilitate consultation and coordination with the trustee agencies (Department of Fish and Game, U.S. Fish and Wildlife Service, the Corps of Engineers, and BCDC) during environmental review and during review of other proposals for lands within the Bayfront Conservation Zone (Policy C-1.10).
- The County shall ensure that development in the County occurs in a manner which minimizes the impact of earth disturbance, erosion, and water pollution within the Bayfront Conservation Zone (Policy C-2.1).
- The development and siting of industrial (and other) facilities adjacent to bayfront areas should be planned to eliminate significant adverse environmental impacts on the water quality of the bay and marshes (Policy C-2.3).
- The County shall not permit waste discharge which would contaminate water resources or otherwise adversely affect any intertidal environments (Policy C-2.6).
- Any development proposed for lands within the Bayfront Conservation Zone must be consistent with policies and proposals of the County Seismic Safety Element, including avoidance of areas that pose hazards such as differential settlement, slope instability, liquefaction, ground shaking and rupture, tsunami, and other ground failures (Policy C-4.1).
- Those areas underlain by deposits of "young muds" should be reserved for water-related recreational opportunities, habitat, open space, or limited development subject to approval by the Corps of Engineers and other trustee agencies (Policy C-4.2).
- Any development proposed for sites that have poor soil conditions for construction or that are seismically active should be designed to minimize earth disturbance, erosion, water pollution, and hazards to public safety (Policy C-4.3).
- Public use of the shoreline areas is desirable and should be encouraged consistent with ecological and safety considerations (Policy C-5.1).
- The County shall ensure that public access is provided and protected along the bayfront and significant waterways. The County views public access easements, gained through offers of dedication, as a condition of development plan approval, as the primary means available to increase public access opportunities (Policy C-5.2).

Other County policies for the Bayfront Conservation Zone emphasize the need to maintain visual access to the bayfront and scenic vistas of water.

2004 Draft Marin Countywide Plan

Marin County is currently in the process of preparing a new countywide plan to guide land uses, growth patterns, and development within the County. This process has involved the preparation of background reports, development of interim guiding principals for land use development, and preparation of a Draft EIR. The County released a Notice of Preparation for the Draft EIR in March and is scheduled to release

the Draft EIR in August 2004. The County anticipates that the environmental review of the 2004 Draft Marin Countywide Plan would be completed by spring 2005.

Although County land use policies do not apply to the SQSP, in 2002 the Marin County Board of Supervisors appointed the San Quentin Reuse Planning committee to evaluate appropriate uses for the SQSP property in the event that the State decides to declare the site as surplus property and sell the land. The committee includes representatives from the City of Larkspur, Town of Corte Madera, City of San Rafael, Golden Gate Bridge District, Sonoma Marin Area Rail Transit, San Quentin Village, and interests in commercial/business, environment, historic preservation and culture, housing, land development, social equity, and energy/renewable resources.

After a yearlong process of reviewing issues including natural assets and opportunities, circulation, housing, community design, and prison operations and programs, the committee developed its vision for development of the SQSP property. This vision is described in the San Quentin Vision Plan (2003), and includes objectives and polices for natural systems on the site, the built environment, and socio-economic programs. In general, Marin County envisions that the site would be developed with a smart, transit-oriented, sustainable community that includes mixed-income neighborhoods, waterfront villages and promenades, parks, and commercial and retail centers. The County Board of Supervisors will consider adoption of the San Quentin Vision Plan when it considers the 2004 Marin Countywide Plan, which is anticipated to occur in spring 2005. This plan is considered in the alternatives analysis (Chapter 7) of this EIR

Point San Quentin Land Use Policy Report (County of Marin)

SQSP is immediately west of San Quentin Village, a small residential community located in unincorporated Marin County at Point San Quentin. Lands owned by the State, in conjunction with the prison, surround all areas of San Quentin Village not fronting the Bay. In response to the concerns of San Quentin Village Association, the Marin County Board of Supervisors adopted the Point San Quentin Land Use Policy Report on August 6, 1985. In this report, the Board expressed the following concern related to the State-owned land outside the prison grounds:

Development Concern #2 – The existing character of the village would change dramatically if the large block of State-owned lands in the study area were developed. Presently, these parcels are undeveloped and used primarily for grazing of horses and burrows. Development of these lots would increase the density of Point San Quentin Village and areas to the north by about 25 percent. Although the actual impact of this increase in density could not be determined without analysis, it is likely that impacts would include loss of open space view corridors, increased demand for on-street parking and significant increases in traffic volumes on Main Street (Marin Community Planning Department 1985).

The Point San Quentin Land Use Policy report evaluated the zoning of the community and adjacent land. The report proposed that the State-owned SQSP lands be rezoned to allow agricultural uses and single-family residences at one unit per acre. However, it acknowledged that "public uses or public buildings may be allowed in any zoning district if found to be necessary for public health, safety, convenience or welfare. Thus, no zoning district would disallow use of State-owned lands in the event the penitentiary chose to expand" (Marin County Planning Department 1985).

Larkspur General Plan (City of Larkspur)

The project site is located in the "Sphere of Influence" of the City of Larkspur. A "Sphere of Influence" is an area not in the current boundaries of any city, but in a city's planning area for consideration in future

development and possible annexation to the city. The City of Larkspur recognizes that it does not have jurisdiction to enforce land use policies on State-owned land and notes that there is little reason to expect that the prison would close. Nonetheless, the Larkspur Planning Department proposed goals and policies specifically associated with the prison site in its General Plan. Goal 17 identifies the SQSP site for park or other public use if prison use is discontinued." To implement this goal, the City proposed the following two policies (City of Larkspur 1990):

- **Policy v:** Work with the State, the County, and the City of San Rafael to prepare for eventual reuse of the San Quentin Prison property; continue to monitor prospects for future growth and change.
- **Policy w:** Preserve the Bay frontage adjacent to Larkspur for public parks and open space, and the ridgeline as open space.

The open space element of the Larkspur General Plan also states that if SQSP ever closes, its bay frontage should remain in open space or parkland (City of Larkspur 1990).

The Larkspur General Plan also addresses the use of the Bay in the vicinity of the project for recreational windsurfing. Windsurfers launch their craft at the small strip of beach adjacent to Remillard Park, just west of the project site (see BCDC discussion). Although the General Plan indicates that development of this site as a public facility to enhance recreational uses would be desirable, it recognizes that there are constraints to this goal, including lack of safe, off-street parking, and the use of the area by ferries entering and leaving Larkspur Ferry Terminal. In recognition of this conflict, the General Plan proposed the following policy:

• Work with the County and the State to limit the development of Remillard Park and to enhance the safety of windsurfers, boaters, and other users of the beach between Remillard Park and San Quentin State Prison (Community Facilities and Services Policy e).

City of San Rafael General Plan 2020

The City of San Rafael General Plan (City of San Rafael 2004) includes a land use policy regarding San Quentin Ridge, which lies at the northern edge of SQSP. Policy NH-98 calls for preservation of San Quentin Ridge as open space because of its visual significance, importance as a community separator, slope stability problems, and wildlife/endangered species habitat value. The General Plan also calls for providing a public access trail.

4.4.3 Environmental Impacts of the Project

THRESHOLDS OF SIGNIFICANCE

The project would have a significant adverse land use impact if it would:

- physically divide an established community;
- conflict with any applicable habitat conservation plans (CEQA Guidelines, Appendix G); or
- conflict with any applicable land use plan or policy of an agency with jurisdiction over the project adopted for the purposes of avoiding or mitigating an environmental effect.

EFFECTS ON ADJACENT LAND USES / DIVISION OF AN ESTABLISHED COMMUNITY

The CIC would be located on the grounds of the existing SQSP, replacing an existing minimum security facility and prison support facilities. The project would not affect surrounding land uses of the site (shown on Exhibit 4.4-1) because the project (under either development option) would continue existing land uses (i.e., prison housing facilities) and would be located entirely in state-owned property. In addition, the project is sufficiently distant from surrounding land uses (i.e., residential uses in San Quentin Village and industrial uses along I-580) to avoid any potential conflicts.

Under the single-level development option, all 57 prison employee residences would be demolished and removed to accommodate proposed buildings. Because the stacked development option would have a smaller footprint than the single level design option, it would not result in the removal of any employee housing; however, it would result in larger more prominent structures along the shoreline of San Francisco Bay. Although 57 employee residences would be removed under the single level design option, these residences serve the maintenance/operation needs of SQSP. Removal of these homes would not divide a community. Further, this design option would not physically divide or segregate the remaining community (i.e., San Quentin Village) and would not disturb existing community roadways or neighborhoods (i.e., Main Street). Although the potential loss of the employee housing is an important social issue that would be considered by CDC, its removal would not result in a significant environmental impact because it is an existing prison-related use that would be replaced by other prison uses.

Residential areas in San Quentin Village located adjacent to east gate would not be adversely affected by the project because the community would be physically separated from the project site, and would not have views of project facilities (under either design option) because of intervening terrain and existing prison facilities.

Currently, staff and visitor traffic is routed through San Quentin Village to east gate and most supply deliveries access SQSP via west gate. With implementation of the project (under either design option) site access and traffic patterns would not change. Although CDC intends to maintain budgeted capacity levels, the project (under maximum design capacity) would increase vehicle trips to and from SQSP associated with increased staffing levels, increased visitor trips, and increased supply deliveries. The majority of these trips would access SQSP via east gate traveling through San Quentin Village. As described in Section 4.12, Transportation and Circulation, the project-related vehicle trips would not substantially affect traffic flow patterns or cueing of vehicles along Main Street in San Quentin Village. Therefore, the project would not result in any land use impacts in San Quentin Village.

Public protests, which generally occur at the prison's east gate (near San Quentin Village) when a death penalty sentence is carried out, would be expected to continue to occur at the east gate with implementation of the project. Although these events would continue to temporarily disturb existing residents, the frequency of occurrence of these planned protests is not expected to increase with implementation of the project.

The project would not be incompatible with onsite or offsite land uses and would not result in any physical barriers that would divide an established community. Further, the project would not result in any changed land use conditions in San Quentin Village. Therefore, this impact would be less than significant (Impact 4.4-a).

EFFECTS ON STATE AND LOCAL PLANS AND POLICIES

San Francisco Bay Plan San Francisco Bay Conservation and Development Commission (BCDC)

The project is not located in a priority use zone as designated in the San Francisco Bay Plan. However, a portion of the CIC perimeter road and electrified fence and a guard tower would be located within the 100-foot shoreline band of San Francisco Bay and would be subject to BCDC jurisdiction. Because BCDC is a state agency with jurisdictional authority over the project, CDC would be required to comply with BCDC permitting requirements.

In general, prison facilities require enhanced security measures, and, therefore public access to SQSP and onsite shoreline area is not currently allowed and would not be allowed with implementation of the project. BCDC policy 1, Public Access, requires that maximum feasible public access to the bay and shoreline is provided with all new development projects except when public access is inconsistent with public safety considerations. Public access to the shoreline is restricted because of public safety concerns associated with incarceration of inmates. The project's continued restriction of public access along the shoreline of SQSP would not change from existing conditions. Based on CDC's interpretation, it appears that the project would be consistent with this policy.

BCDC policy 4, Appearance, Design, and Scenic Views, requires that projects that do not visually complement the bay be located and designed to minimize their visual impacts. The project would result in the construction of prison-related structures near the shoreline of San Francisco Bay. This Draft EIR evaluates 2 design options (single level and stacked) for the project. Under the single-level design option, the proposed housing units would be approximately 25 feet tall, and under the stacked design option the proposed housing units would be approximately 44 feet tall. The environmental impacts of each design option have been thoroughly evaluated throughout Chapter 4 of this Draft EIR. Section 4.1, Visual Resources, evaluates the visual impacts of both design options from 5 sensitive viewpoint locations. CDC has thoroughly considered design options that would minimize visual impacts of the project on San Francisco Bay and shoreline areas. This Draft EIR provides measures to mitigate these impacts to the extent feasible (see section 4.1.3). One measure will include coordination with BCDC on project design. Because visual impacts will be mitigated to the extent feasible, the project would be consistent with this policy.

BCDC through their permitting process would evaluate the project's consistency with Bay Plan policies and would make a formal consistency determination. After the Draft EIR is certified, the project is approved, and prior to construction, CDC would submit a development application to BCDC for review.

Marin Countywide Plan (Marin County)

Marin County does not have jurisdiction over the project and has no specific land use policies regarding SQSP. However, the project site is located in the Bayfront Conservation Zone identified in the Marin Countywide Plan. The Marin Countywide Plan Bayfront Conservation Zone policies require analysis of potential biologic, geologic, water quality, hazardous materials, and aesthetic impacts of the project. Consistent with these policies, these, and other environmental issues, have been thoroughly analyzed in this Draft EIR (Chapter 4). Mitigation measures have been identified where necessary to minimize potential environmental impacts. In addition, all relevant trustee agencies have been consulted during preparation of this Draft EIR.

Because of security and safety considerations at SQSP, no public access would be allowed to the shoreline areas of SQSP. The Marin Countywide Plan stipulates that, although desirable, public access shall be consistent with safety considerations. The project would be consistent with these policies.

Marin County through the San Quentin Vision Plan has identified a vision for land development at SQSP. This vision involves the closure and relocation of the prison operations and development of a new transit oriented community. The project would not be consistent with the County's vision for development because prison operations would remain on the site and no new development would occur. Although SQSP would not be subject to the policies or plans of Marin County, CDC has considered the County's vision for land use development on the site through evaluation of an alternative that encapsulates the County's vision: San Quentin Vision Plan Alternative (see Section 7.0, Alternatives).

Point San Quentin Land Use Policy Report (Marin County)

The concerns regarding state-owned land expressed in the Point Quentin Land Use Policy Report by residents of San Quentin Village primarily relate to the development of prison land that is currently open space. The project site is located in the developed portion of the SQSP property, for which the Policy Report has no specific planning or land use policies.

Larkspur General Plan (City of Larkspur)

The City of Larkspur does not have jurisdiction over the project. The Larkspur General Plan policies regarding SQSP concern use of the project site if it is ever closed/no longer used for a prison. The project does not involve closure of the prison; rather the project would provide new prison facilities on the existing prison property. Therefore, these General Plan policies would not apply to the project.

The project would be consistent with Larkspur General Plan policies pertaining to public and beach use between Remillard Park and SQSP, because public access to offsite areas would not change with implementation of this project. Currently, windsurfers use paved areas adjacent to west gate (on SQSP property) to park while windsurfing in San Francisco Bay. The availability of these paved areas would be unchanged with implementation of the project. Further, these paved areas could increase if west gate is relocated further east on the project site (see Section 4.12, Transportation and Circulation). Therefore, the project would not constrain use of the beach and would not reduce access to existing available, safe parking areas. The project would be consistent with Larkspur's policies related to recreational uses along the shoreline.

City of San Rafael General Plan 2020

The City of San Rafael does not have jurisdiction over the project. General Plan Policy NH-98 outlines the preservation of San Quentin Ridge as open space. The project site is located in the developed portion of the prison property and would not affect San Quentin Ridge.

The project is consistent with all relevant BCDC policies. Although the proposed project would not provide access to the bay/shoreline, it is consistent with BCDC policy 1, which requires maximum feasible access unless inconsistent with public safety concerns. The project would also be consistent with BCDC policy 4 regarding minimizing visual impacts to the Bay; it would be designed to minimize visual impacts to the maximum degree feasible. There are no other applicable environmental land use plans or policies of agencies with jurisdiction over the project. The project would therefore have a less than significant impact on land use plans and policies. (Impact 4.4-b)

EFFECTS ON HABITAT CONSERVATION PLANS

There are no habitat conservation plans applicable to the project or project area. Therefore, the project would not conflict with an adopted habitat conservation plan (Impact 4.4-c).

4.4.4 PROPOSED MITIGATION MEASURES

LESS-THAN-SIGNIFICANT IMPACTS

The following impacts were identified as less than significant and no mitigation is required:

- **4.4-a:** Effects on Adjacent Land Uses / Division of an Established Community
- **4.4-b:** Effects on State and Local Plans and Policies
- **4.4-c:** Effects on Habitat Conservation Plans